

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
UNITED STATES OF AMERICA

- v. -

FNU LNU,  
a/k/a "Ricardo Hernandez,"  
a/k/a "Herbeth Wilfredo  
Giron Diaz,"

Defendant.  
-----

X  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
X

INDICTMENT

22 Cr.

**22 CRIM 016**

COUNT ONE

(False Statement in Application for Passport)

The Grand Jury charges:

1. On or about December 16, 2020, in the Southern District of New York and elsewhere, FNU LNU, a/k/a "Ricardo Hernandez," a/k/a "Herbeth Wilfredo Giron Diaz," the defendant, willfully and knowingly made false statements in an application for a passport with intent to induce and secure the issuance of a passport under the authority of the United States, for his own use and the use of another, contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to such laws, to wit, FNU LNU submitted a United States passport application containing false information about his identity, including a false name.

(Title 18, United States Code, Section 1542.)

COUNT TWO

(Aggravated Identity Theft)

The Grand Jury further charges:

2. On or about December 16, 2020, in the Southern District of New York and elsewhere, FNU LNU, a/k/a "Ricardo Hernandez," a/k/a "Herbeth Wilfredo Giron Diaz," the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, FNU LNU possessed, used, and transferred the name and other personal identification information of another person during and in relation to the passport fraud offense charged in Count One of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1) and  
1028A(b).)

COUNT THREE

(Theft of Government Funds)

The Grand Jury further charges:

3. From at least in or about January 2016 up to and including at least in or about November 2021, in the Southern District of New York and elsewhere, FNU LNU, a/k/a "Ricardo Hernandez," a/k/a "Herbeth Wilfredo Giron Diaz," the defendant, did embezzle, steal, purloin, and knowingly convert to his use and

the use of another, and without authority, did sell, convey, and dispose of records, vouchers, money, and things of value of the United States and a department and agency thereof, to wit, the United States Department of Health and Human Services ("HHS"), which exceeded the sum of \$1,000, and did receive, conceal, and retain the same with intent to convert it to his use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, FNU LNU fraudulently obtained approximately \$15,690.46 in Medicare benefits and approximately \$23,005.37 in Medicaid benefits to which he was not entitled.

(Title 18, United States Code, Section 641.)

**COUNT FOUR**

(Aggravated Identity Theft)

The Grand Jury further charges:

4. From at least in or about January 2016 up to and including at least in or about November 2021, in the Southern District of New York and elsewhere, FNU LNU, a/k/a "Ricardo Hernandez," a/k/a "Herbeth Wilfredo Giron Diaz," the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, FNU LNU possessed, used,

and transferred the name and other personal identification information of another person to steal government funds by fraudulently obtaining Medicare and Medicaid benefits, as charged in Count Three of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1) and 1028A(b).)

**COUNT FIVE**

(Theft of Government Funds)

The Grand Jury further charges:

5. From at least in or about January 2016 up to and including at least in or about November 2021, in the Southern District of New York and elsewhere, FNU LNU, a/k/a "Ricardo Hernandez," a/k/a "Herbeth Wilfredo Giron Diaz," the defendant, did embezzle, steal, purloin, and knowingly convert to his use and the use of another, and without authority, did sell, convey, and dispose of records, vouchers, money, and things of value of the United States and a department and agency thereof, to wit, the United States Department of Agriculture, which exceeded the sum of \$1,000, and did receive, conceal, and retain the same with intent to convert it to his use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, FNU LNU fraudulently obtained approximately \$12,731.68 in Supplemental

Nutrition Assistance Program ("SNAP") and Public Assistance benefits, to which he was not entitled.

(Title 18, United States Code, Section 641.)

**COUNT SIX**

(Aggravated Identity Theft)

The Grand Jury further charges:

6. From at least in or about January 2016 up to and including at least in or about November 2021, in the Southern District of New York and elsewhere, FNU LNU, a/k/a "Ricardo Hernandez," a/k/a "Herbeth Wilfredo Giron Diaz," the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, FNU LNU possessed, used, and transferred the name and other personal identification information of another person to steal government funds by fraudulently obtaining SNAP and cash benefits, as charged in Count Five of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1) and 1028A(b).)

**FORFEITURE ALLEGATIONS**

7. As a result of committing the offense alleged in Count One of this Indictment, FNU LNU, a/k/a "Ricardo Hernandez," a/k/a

"Herbeth Wilfredo Giron Diaz," the defendant, shall forfeit to the United States, pursuant to Title 18 United States Code Section 982(a)(6), all conveyances, including any vessel, vehicle, or aircraft, used in the commission of said offense; all property, real and personal, that constitutes or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense; and all property, real or personal, that was used to facilitate, or was intended to be used to facilitate, the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

8. As a result of committing the offenses alleged in Count Three and Five of this Indictment, FNU LNU, a/k/a "Ricardo Hernandez," a/k/a "Herbeth Wilfredo Giron Diaz," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Assets Provision

9. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981 and 982;  
Title 21, United States Code, Section 853; and  
Title 28, United States Code, Section 2461.)

  
\_\_\_\_\_  
FOREPERSON

  
\_\_\_\_\_  
DAMIAN WILLIAMS  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

---

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA

v.

FNU LNU,  
a/k/a "Ricardo Hernandez,"  
a/k/a "Herbeth Wilfredo Giron Diaz,"

Defendant.

---

INDICTMENT

22 Cr.

(18 U.S.C. §§ 1542, 641, and 1028A.)

DAMIAN WILLIAMS  
United States Attorney

---

  
Foreperson

---